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June 3, 2022

VIA ECF

The Honorable Ona T. Wang
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: National Coalition on Black Civic Participation, et al. v. Wohl, et al., No. 20-cv-8668

Dear Judge Wang:

Plaintiffs National Coalition on Black Civic Participation, Mary Winter, Gene Steinberg, Nancy Hart, Sarah Wolff, Karen Slaven, Kate Kennedy, Eda Daniel, Andrea Sferes (“Private Plaintiffs”); Plaintiff-Intervenor Office of the New York State Attorney General (“NYOAG”) (collectively, “Plaintiffs”); and Defendants Jacob Wohl, Jack Burkman, J.M. Burkman & Associates, LLC, and Project 1599 (“Defendants”) (collectively, the “Parties”), jointly submit this proposed agenda in advance of the June 8, 2022 status conference, pursuant to Rule II.e of the Court’s Individual Practices.¹

On May 4, 2021, Judge Marrero entered a Civil Case Management Plan and Scheduling Order setting a discovery deadline of October 29, 2021 (ECF No. 90), which was stayed following the Court’s Order granting NYOAG’s motion to intervene. ECF No. 101. The subsequent Case Management Plan set a fact discovery deadline of March 14, 2022, and expert discovery deadline of May 16, 2022 (ECF No. 154). Upon the Parties’ joint requests, the Court first extended fact discovery to May 15, 2022 (ECF No. 180), and then extended all discovery to May 29, 2022 (ECF No. 193).

Plaintiffs’ position is that discovery in this case is complete. Plaintiffs anticipate moving for summary judgment and to strike Defendants’ expert report. Plaintiffs also anticipate potential amicus briefs. Defendants’ position is that discovery is complete. Defendants anticipate moving for partial summary judgment.

In addition, counsel for Private Plaintiffs David Brody and Marc Epstein respectfully request to join the June 8 conference via telephone, as their office is located in Washington, D.C., and they are unable to travel to New York to attend the conference in person.

¹ On May 9, 2022, Judge Marrero entered an Order of Conditional Discontinuance as to Defendant Message Communications, Inc. ECF No. 194. On June 2, 2022, the Court so-ordered a Consent Decree settling the claims against Defendants Message Communications, Inc. and Robert Mahanian and dismissing the action against them. ECF No. 196.



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Respectfully submitted,

Marc Epstein

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CC: All counsel of record (via ECF)